

CLERK U.S. DISTRICT COURT
NORTHERN DIST. OF TX
LUBBOCK DIVISION

New Motion for Release

2022 MAY 16 AM 8:51

This is a request for release ^{pending trial} ~~trial~~ because of the quite drastic change in circumstances that ought to be considered by the court.

1. I have presently been confined for a year and a half awaiting trial without the possibility of release, and the emotional burden and substantial anxiety I have faced have been exceedingly painful and unduly oppressive. It is now acknowledged by both the government and the Court that I have a valid ASD diagnosis as well, and this is not being accommodated in this facility or by the Court. Due to the substantial length of time, this has become punitive confinement, it clearly serves no government interest and is not regulatory in nature.
2. I am now proceeding pro se, and I am facing significant due process violations as I outlined in "A Motion for a Fair Trial." Due to the numerous complex pretrial motions I have planned among many other things, it is critical I am given an adequate environment to prepare, which I view as impossible in confinement.
3. There is substantial new evidence indicating a lack of dangerousness, namely a competency and sanity report:

and a medical report of the victim indicating a total lack of injuries.

4. I am being deprived of my rights to liberty and innocence until guilt is proven beyond a reasonable doubt. The Bail Reform Act undermines the presumption of innocence by putting the standard of dangerousness in the hands of a magistrate rather than the hands of jurors. That standard need only be met by clear and convincing evidence and all of a person's fundamental constitutional rights practically evaporate. I have served a longer sentence now than many felony cases allow imposed, all at the words of one judge.

5. I am being denied my 8th Amendment right to a reasonable bail. My current effective bail is infinite.

6. There are a combination of conditions that the government could easily impose that would practically insure the safety of the community and the alleged victim as well as my appearance at trial.

For these aforementioned reasons and the reasons set forth in both attached motions I request a reasonable set of conditions to be outlined

so that I may be released pending trial, or
at the minimum a rehearing granted on this
issue.

Written May 11th
Completed and Mailed May 11th

Defendant Thomas John Boukamp
Long History